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Attorneys for Plaintiff
 RAYMOND P. MARIOLLE

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAYMOND P. MARIOLLE,

Plaintiff,

vs.

VOLVO GROUP NORTH AMERICA,
 INC.; CONSOLIDATED METCO, INC.;
 AMSTED INDUSTRIES, INC.; and
 DOES 1 through 25, inclusive,

Defendants.

No. C-09-1209 MMC

ASSIGNED FOR ALL PURPOSES TO
 THE HONORABLE MAXINE M. CHESNEY
**CONDITIONAL ORDER RE:
 MOTION FOR LEAVE TO FILE SECOND
 AMENDED COMPLAINT, AND ORDER**

NOW INTO COURT, through undersigned counsel, comes Raymond Mariolle, plaintiff herein, who moves this Honorable Court for an order permitting plaintiff to file a Second Amended Complaint to name FEDERAL SIGNAL CORPORATION ("FSC") as an additional defendant in this action.

This personal injury action has been instituted to recover damages sustained by Raymond P. Mariolle as a consequence of two single-vehicle collisions which were caused by the failure of the vehicle's wheel hubs. The Volvo vehicle operated by Mr. Mariolle at the time of the collision sustained hub failures on September 17, 2007 and October 29, 2007, causing a tire and rim of the vehicle to detach and the vehicle to lose control.

Upon information and belief, the vehicle was designed, manufactured, distributed and sold by Volvo Trucks North America, Inc. (VTNA) with component parts which were manufactured by


1 Consolidated Metco, Inc. and/or Amsted Industries, Inc. VTNA and Consolidated Metco, Inc. alleged
2 that Labrie and Wittke were responsible for the alleged defects in the vehicle.

3 Plaintiff seeks to amend the complaint pursuant to Rule 15(a)(2) of the Federal Rules of Civil
4 Procedure. The proposed Second Amended Complaint is attached as Exhibit "1" and is incorporated
5 herein as if copied *in extenso*. The sole reason for amending the complaint is to address the recent
6 allegation by Labrie and Wittke regarding the fault of FEDERAL SIGNAL CORPORATION.

7 Counsel for plaintiff has contacted Matt F. Cohen, counsel for VTNA, Anthony E. Sonnett,
8 counsel for Amsted Industries, Inc. and Consolidated Metco, Inc., and Lisa Feramisco, counsel for
9 Wittke and Labrie regarding this motion. Counsel for VTNA has advised that his client does not oppose
10 the motion. Counsel for Amsted Industries, Inc. and Consolidated Metco, Inc. has advised that his
11 clients do not oppose the motion. Counsel for Wittke and Labrie has advised that her clients do not
12 oppose the motion.

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14 Dated: February 28, 2011


BOXER & GERSON, LLP

15 By: 
16 GARY B. ROTH
17 Attorneys for Plaintiff
RAYMOND P. MARIOLLE

18 ORDER

19 IT IS ORDERED that Raymond Mariolle may file the Second Amended Complaint, provided
20 said Second Amended Complaint is filed no later than March 7, 2011 and further provided service
thereof is accomplished as to the newly-named defendant, and proof of such service filed, no later
than April 18, 2011.

21 DATED: March 3, 2011

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23 THE HONORABLE MAXINE M. CHESNEY
24 Judge of the United States District Court
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